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COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 October 2000, at 10 a.m.

Chairperson: Mr. SIMKHADA (Nepal)

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GE.00-15611 (E)

The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the fifth special session of the Commission on Human Rights to consider the situation in the occupied Palestinian territories. The fact that the convening of the special session, only the fifth in the Commission's history, had been endorsed by nearly 90 per cent of the membership reflected the gravity of the events that had unfolded in the Middle East. The level of violence and the resultant sufferings were such that the Commission could not remain silent. The violence must end and no effort should be spared to prevent a repetition of such a tragedy. Beyond the tragic developments of the past weeks and, despite the complexity of the problem to be resolved, an appeal must be made, as the United Nations Secretary-General had said, to all leaders and citizens to think about what future they wanted for their children.

2. For over a week, the Secretary-General had been making strenuous efforts to break the cycle of violence and bring about the only viable option, namely, negotiations for a just and comprehensive settlement in the Middle East. The Commission's responsibility was unique and it was not to duplicate fruitlessly what was being done elsewhere. Its discussions must reaffirm the obligation to respect fundamental rights and the dignity of the human person. It would thus contribute to strengthening the efforts of the Secretary-General and mitigate the sufferings of those who had already suffered too much.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/CN.4/S-5/1 and Add.1)

3. The CHAIRPERSON invited the members of the Commission to take note of the provisional agenda (E/CN.4/S-5/1) and the annotated provisional agenda (E/CN.4/S-5/1/Add.1) and said that, if there was no objection, he would take it that the Commission adopted the agenda for the special session.

4. It was so decided.

ORGANIZATION OF WORK (agenda item 2) (E/CN.4/S-5/1/Add.1)

5. The CHAIRPERSON drew the participants' attention to the recommendations of the Bureau, contained in paragraphs 7 to 9 of the annotated provisional agenda (E/CN.4/S-5/1/Add.1) on the organization of work. The Bureau also recommended that, following a joint statement not exceeding 10 minutes, States wishing to take the floor again on the same item could have the time normally allotted to them, namely, 10 minutes. The Bureau had also agreed that the floor might be given to the observers for Israel and Palestine, if so requested, at the beginning of the general debate. The Bureau had further agreed that, in accordance with established practice, a list of speakers would be established, the better to organize the conduct of business; it also recommended that any dignitaries attending the session would be accorded the special treatment of a 15-minute speaking time. The Bureau also recommended that Mr. Giorgio Giacomelli, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who had been on mission to the region

from 11 to 15 October 2000, should be invited to address the Commission prior to the general debate. If there was no objection, he would take it that the Commission approved those recommendations.

6. It was so decided.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (E/CN.4/S-5/2)

7. Mr. BEN SALEM (Tunisia), speaking on behalf of the Arab Group, thanked the members of the Commission on Human Rights who had supported the request that its fifth special session should be convened to consider the issue of human rights violations in the occupied Palestinian territories. He hoped that the Commission's deliberations would be commensurate with the gravity of the situation.

8. The international community and human rights activists were anxiously following the deteriorating situation in the occupied Palestinian territories and the inhuman aggression committed by the Israeli army against civilians as part of a deliberate policy of repression against an unarmed people fighting for its land and respect for its legitimate rights.

9. It was no surprise that such humiliating practices aroused feelings of frustration and injustice in Palestinians. Israel was defying all the resolutions of the General Assembly, the Security Council and the Commission on Human Rights, refusing to renounce its illegal practices and to respect the obligations incumbent on it under the Fourth Geneva Convention. Most of the Commission's members had spoken out against the continuation of such aggression. Despite various manoeuvres, public opinion also denounced the barbarity of the repression, which targeted even children.

10. Despite those actions, the Arab Group reiterated that it wanted to reach a fair and equitable peace. In order to achieve that goal, however, Israel must comply with its obligations and withdraw immediately from the occupied Palestinian territories, including Jerusalem, that it had conquered by force. With regard to Jerusalem, it should be noted that the Holy City had for centuries been the symbol of peaceful coexistence between different peoples and religions, but it was now the theatre of intolerable violence for which the occupying Power was solely responsible.

11. The reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 and of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories stressed the fact that Israel was pursuing its policy of colonization, confiscating land and isolating villages and that Palestinians were still being subjected to torture or arbitrarily detained.

12. The Arab Group believed that the international community should not confine itself to denouncing and condemning such flagrant aggression against the civilian population, but should

adopt firm measures to protect the Palestinians. It recommended that the measures should include the establishment of an international commission mandated to look into the events which had taken place in recent weeks. The Commission should propose measures to halt the practices being carried out and submit a report to the Commission on Human Rights at its fifty-seventh session, as well as to the General Assembly at its fifty-fifth session. The High Commissioner for Human Rights and the relevant special rapporteurs should also visit the area and report to those sessions of the Commission and the General Assembly. Moreover, the parties to the Fourth Geneva Convention should make every effort to ensure that it was implemented, and non-governmental organizations should send representatives to Palestine to record the flagrant human rights violations being committed by Israel.

13. Reason should prevail over war-mindedness and it was high time for the members of the international community to pool their efforts to find a comprehensive, fair solution to the Palestinian problem and the Middle East question.

14. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that, at its fifth special session, the Commission had to consider an extremely grave crisis. The situation was all the more delicate in that the search for peace in the Middle East had been going on for 50 years, the conflict had already caused enormous suffering and cost many lives, the reports of human rights violations committed in the region had become innumerable, Palestinians living in refugee camps and other difficult conditions had already endured a great deal and peace had seemed within reach after the great efforts made, most recently at Camp David. The experience of Ireland showed, however, that, even in the most desperate situations, it was possible to dream of peace, provided that it was a sustainable peace based on respect for human rights.

15. It was important for the Commission to focus on ways and means by which the exacerbation of the situation could be avoided in future through early warning and prevention measures. Indeed, the situation the Commission was considering seemed to have degenerated rapidly and run away with the parties. Evidently, neither the Israelis nor the Palestinians had wanted the situation they now found themselves in, but the key to a peaceful, stable future in the region lay in the promotion of a culture of human rights and tolerance. The first priority, however, was to halt the violence so that the peace process could continue.

16. According to information available to her Office from its post in Gaza and regional sub-offices, it seemed that the crisis had begun following the Camp David Summit, due to popular frustration at the apparent impasse in the negotiations. The frustration had been expressed in demonstrations in the West Bank and Gaza. On 13 September, stones and Molotov cocktails had been thrown at Israeli positions in Gaza and violent incidents had increased. On 26 September, a bomb had killed an Israeli soldier near Netzarim and, on 27 September, a Palestinian policeman in a joint patrol had killed an Israeli officer and wounded a soldier.

17. On 28 September, Ariel Sharon, head of the Israeli opposition, had visited Al-Haram Al-Sharif, the Temple Mount, in Jerusalem with members of his parliamentary group and a military escort. Palestinians had protested against what they saw as provocation and clashes had ensued. On 29 September, demonstrators had thrown stones and the Israeli army had retaliated; during the day, four Palestinians had been killed and over 200 others wounded by gunfire. Since

then, over 100 Palestinians had been killed and large numbers injured. Questions had been raised about the disproportionate nature of the Israeli defence forces' reaction, particularly having regard to the large number of persons killed or seriously injured.

18. On 2 October, a Palestinian policeman had killed an Israeli soldier in an ambush. On 7 October, shortly after the Israeli army had withdrawn from Joseph's Tomb in Nablus, Palestinians had attacked, ransacked and set fire to that Jewish holy site. During the attack, a border guard had been fatally wounded and a rabbi killed. A synagogue in Jericho and mosques in Jaffa and Nablus also had been damaged.

19. Israeli war planes had attacked Hezbollah positions following that party's abduction of three Israeli soldiers along Israel's border with southern Lebanon; and two Palestinians had reportedly been killed on 8 October by Israeli settlers.

20. In the midst of all that, the Security Council had met on 7 October and adopted resolution 1322 (2000), in which it reaffirmed its support for a just and lasting solution, supported the Middle East peace process and called on the Israeli and Palestinian sides to support the efforts being made towards a final settlement. In that resolution, the Security Council condemned acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life, and called upon Israel to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention. It also called for an immediate cessation of violence, the avoidance of any new provocative actions and the establishment of a mechanism for a speedy, objective inquiry into the recent tragic events with the aim of preventing their repetition.

21. On 8 October, two Arab Israelis had been killed during violent clashes between Jews and Arabs. On 12 October, two Israeli soldiers, who, according to Israeli sources, had taken a wrong turning and been arrested by Palestinian police, had been killed in Ramallah by a Palestinian crowd in atrocious circumstances. In retaliation, Israeli helicopters had fired rockets at several targets, including a police station in Ramallah and the West Bank headquarters of the Palestinian Authority.

22. In addition, there had been a suicide attack in the region against a United States destroyer resulting in the deaths of 17 sailors and a United Kingdom embassy had been the target of an attack.

23. From information available to her Office, the Israeli army had used live ammunition, rubber-coated bullets and tear-gas to disperse Palestinian demonstrators. Palestinians, for their part, had used firearms, Molotov cocktails and stones. The number of child casualties was very high. According to available information, over 22 Palestinian children had been killed and hundreds injured. Ambulance and medical personnel had likewise been injured and killed. Palestinians claimed that private houses and civilians had been indiscriminately attacked, especially at night, and that settlers were increasingly involved.

24. An objective independent inquiry into the events of the previous weeks might help to resolve disputed issues, particularly with regard to human rights. The question of what body would be most suitable to carry out such an inquiry was currently being considered; whatever decision might be taken, her Office stood ready to assist in any way deemed most suitable.

25. Having dwelt on the past, measures aimed at preventing such crises in the future should be carefully considered. It was therefore crucially important for all concerned to give the utmost priority to the protection of human life, putting an immediate end to violence on the ground and taking the requisite measures to keep children away from any confrontation. In addition, all concerned must act in full compliance with the norms of international human rights and humanitarian law. The parties' attention was drawn in particular to article 4 of the International Covenant on Civil and Political Rights and to common article 3 to the Geneva Conventions.

26. The parties to the conflict must return to the negotiating table as quickly as possible and the international community, the parties concerned, neighbouring States and friendly countries must engage in reflection with a view to implementing strategies for the promotion of tolerance and harmony among two kindred peoples. Racial and religious intolerance, if not a cause of the current situation, was unfortunately becoming a consequence of it. Evidence that violence and animosity had spread beyond the region between Jewish and Muslim communities, was of particular concern.

27. The future of Israel and Palestine would depend largely on the ability of both communities to calm resentment and see to it that human rights and humanitarian principles were fostered and observed without discrimination. The Israeli and Palestinian peoples were linked by history and geography and must learn to live together. They must be shown that peace was possible and even within their grasp. The message to the leaders was more stark: they could not condemn a new generation to violence, hatred and their consequences.

28. Mr. GIACOMELLI (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967) said that he had just returned from the occupied territories, which he had deemed it his duty to visit, in order to see the situation on the ground for himself. During his previous mission, he had already noted that, given the climate of widespread human rights violations, the situation had been so tense that the slightest spark could ignite the powder-keg.

29. During the latest mission, he had been unable to obtain information from the Israeli authorities, but had gathered a great deal of detail from various sources, from which it emerged that Israel, from the outset of the disturbances, had resorted to disproportionate and excessive force, including the use of weapons and tactics not called for by the situation. Likewise evident was a resurgence of paramilitary activity, especially by Israeli settlers. There had also been Palestinian civilians bearing and using weapons among the demonstrators. These factors together explained the regrettably high level of deaths and injuries.

30. In the report circulated to the participants (E/CN.4/S-5/CRP.1), he had drawn up a number of recommendations aimed at restoring trust and security, which went hand in hand, in order to create conditions suitable for a revival of the peace process, which must include respect for human rights.

31. Mr. RAMLAWI (Observer for Palestine) said that, since 28 September 2000, when Sharon, accompanied by 3,000 Israeli policemen, had entered the Al-Aqsa Mosque with the agreement of Barak, thus provoking the indignation of Muslims in Palestine and throughout the world, 120 Palestinian martyrs had been massacred and over 4,000 injured, one third of them children. In order to defend their lands, Holy Places and rights, Palestinians had only their bodies and stones to confront over-equipped Israeli soldiers who did not hesitate to kill unarmed civilians, including children, in cold blood simply because they were Palestinians.

32. Those massacres and all crimes committed by Israelis since the Deir Yassin massacre contravened the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Not even Palestinians having Israeli nationality had been spared; two of them had been killed and 127 others injured by the Israeli army.

33. The Israeli occupation authorities also inflicted collective punishments of all kinds on Palestinians, including military blockades of all towns and villages, thus preventing the delivery of food and medicines and the conveyance of the injured to hospital. Worse still, 14 ambulances bearing the Red Cross emblem had been destroyed by the Israeli army and their drivers killed. Those responsible for such crimes should be tried in conformity with the relevant international conventions.

34. The Israeli Government had stifled the peace process by its military aggression against the Palestinian people and the deliberate killing of unarmed civilians and children. As for the Commission, it should take firm measures to halt such violations and crimes, bring the perpetrators to justice and ensure international protection for Palestinians against Israeli aggression, until the occupation of Palestinian territories, including Jerusalem, had ended. That occupation was indeed the source of the human rights violations and continued aggression against the Palestinian people. It was the source of tension, conflict, blood-baths and hatred. That was why Palestinians refused any logic that placed the victim and the aggressor on an equal footing - a suspect logic used by the Israeli killers and the malicious Power that supported them in their crimes. Because the Palestinians believed firmly in their rights and were ready to die for their country, they had been able to resist the judaization of Palestine for a century. They must continue their struggle unabated, with the support of Arabs and Muslims from the Atlantic to the Pacific, and of the forces for freedom and peace in the world, until they were victorious in liberating their land, restoring their rights and creating an independent State with the Holy City of Jerusalem as its capital.

35. Mr. LEVY (Observer for Israel) said that the Israeli Government had waited in vain for Mr. Arafat to react to the far-reaching proposals put to him by the Israeli Prime Minister at the Camp David summit some months previously. By launching a wave of violence on the flimsiest pretext, Mr. Arafat had taken responsibility for plunging the entire region into a period of instability with unpredictable consequences. The question to be asked was who had an interest in continuing the violence. If the Palestinian leaders had had an interest in putting an end to it they could have done so. Had they not emptied schools and sent schoolchildren to demonstrate in the streets, there would have been fewer deaths and injuries. In Gaza, they had sent groups of innocent Palestinian civilians to attack a few isolated posts held by Israel in the region,

accompanied by armed Palestinian policemen and members of the paramilitary Tanzim organization illegally established by Mr. Arafat three years previously, who had mingled with the demonstrators and fired on the Israeli forces.

36. If the religious authorities and the Palestinian Authority radio and television had not put out daily calls of hatred for an uprising against Israel, young Palestinians would not have taken to the streets to throw stones and Molotov cocktails and would not have been regrettably killed or injured.

37. The Commission's special session could not have been convened at a worse time. It was quite liable to distract attention from the current efforts being made by the United Nations Secretary-General, the President of the United States and the leaders of Egypt, Jordan and the major European countries, with Israeli and Palestinian participation, to put an end to the hostilities and relaunch the diplomatic process.

38. It should be noted that the Israeli security forces opened fire only when absolutely necessary and when their lives were in danger. They had exercised all possible restraint in their efforts to restore calm and security. Israel sincerely regretted the injuries and deaths.

39. By encouraging unrest and calling for violence, the Palestinians had violated some of the major undertakings they had given, first in Oslo, in the exchange of letters between Mr. Arafat and Mr. Rabin in September 1993 and, later, under the September 1995 Interim Agreement, the Hebron Protocol of January 1997 and the Wye River Memorandum of October 1998, the Sharm el-Sheikh Memorandum of September 1999 and the Trilateral Statement signed by the United States, Israel and Palestine at the conclusion of the Camp David summit in July 2000.

40. They had in fact undertaken to renounce violence and terror and to take any measures necessary to prevent acts of violence and terror against Israel and to create a climate suitable for negotiations free from pressure, intimidation or threats of violence.

41. The Palestinians had likewise undertaken to resolve all differences through bilateral negotiations. The convening of the current session and the appeals to the General Assembly, UNESCO and the Security Council violated that undertaking.

42. In violation of a further obligation assumed by the Palestinians, the information media had broadcast incitements to hatred and to the killing of Israelis.

43. The Palestinians had also undertaken to arrest, prosecute and sentence terrorists. Instead, they had freed 120 persons known to be guilty of acts of terrorism and responsible for dozens of deaths and hundreds of injury cases among Israelis.

44. Contrary to the commitments it had undertaken, the Palestinian Authority had not confiscated illegally held arms and, instead of utilizing the joint mechanisms for security cooperation, it had broken off all contacts with Israel.

45. The Palestinian authority had undertaken to protect and respect holy sites. But Joseph's Tomb, 4,000 years old, had been utterly destroyed and a synagogue in Jericho had been reduced to ashes.

46. The Palestinians had also undertaken to ensure that no armed force other than the Palestinian police and Israeli security forces would operate on the West Bank or in Gaza. Tanzim's role in the recent unrest violated that undertaking.

47. Israel therefore wondered how it could go on trusting a partner which systematically violated the commitments it had undertaken. Re-establishing trust must be the aim rather than supporting Palestinian attempts to tarnish Israel's image in all international forums.

48. Despite the tragic events of the past two weeks and the deaths and injuries on both sides, Israel still believed it was possible and necessary to achieve a peaceful solution to the Middle East conflict. For that purpose, the Palestinian Authority must issue a clear call for an end to the violence and the obligations assumed under the agreements signed by Israel and the Palestinians must be respected. Only then would it be possible to return to the negotiating table and move the peace process forward.

49. Mr. HAMIDON (Malaysia), speaking on behalf of the Organization of the Islamic Conference, said that, contrary to what the observer for Israel had said, the convening of the Commission's current session was fully justified in view of the tragic events that had been taking place in Palestine since 28 September. The occupying Power had hitherto disregarded the mechanisms established by the Commission and had refused to cooperate with the special rapporteurs mandated to consider the human rights situation in the Palestinian territories.

50. Given the gravity of the situation, the Commission must establish an international commission of inquiry to look into the causes and perpetrators of the crimes committed with a view to bringing the authors to justice, determine who was responsible for the human rights violations in the occupied Palestinian territories, propose measures aimed at preventing any repetition of the recent tragic events and report to the Commission.

51. The establishment of such a commission would be in line with the view expressed by the Security Council in resolution 1322 (2000) on the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the past few days, with the aim of preventing their repetition.

52. In addition, the High Commissioner for Human Rights should be asked to visit the affected areas and report periodically on developments there and the relevant special rapporteurs should be asked to undertake immediate missions to the occupied Palestinian territories and report to the Commission and the General Assembly; the treaty bodies should be asked to give immediate consideration to the matter and invite Israel to report on the way it was fulfilling the obligations it had assumed by ratifying the relevant United Nations human rights conventions.

53. It should be noted that, on 13 October 2000, the Arab Group had formally requested a meeting of the High Contracting Parties to the Fourth Geneva Convention with a view to ensuring respect of that instrument by the occupying Power. The Organization of the Islamic Conference supported that proposal and urged all countries to do likewise.

54. The fact that a large number of countries had requested the convening of the current special session showed that the international community viewed with great concern the resumption of violence in the occupied territories and the violations of the Palestinians' rights. The Organization of the Islamic Conference was convinced that there would be broad support for proposals which would lead to the immediate cessation of violations and prevent its recurrence. The Commission must act; the Organization of the Islamic Conference was convinced that it could.

55. Mr. WISNUMURTI (Indonesia), speaking on behalf of the Asian Group, said that he agreed with previous speakers who had deplored the provocative act committed at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, the consequence of which had been a flare-up of violence resulting in many deaths and injuries, mostly among Palestinians. The Asian Group condemned the acts of violence, particularly the excessive use of force against innocent Palestinian civilians which had caused heavy losses of human life, particularly among children. It appealed to all sides to the conflict to renounce the use of force in settling their differences, since the entire region's future was at stake. It also urged Israel, the occupying Power, to abide scrupulously by its obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The international community, for its part, must assume its responsibilities by ensuring the safety and protection of the region's civilian populations. It was important to establish a mechanism for a speedy, objective inquiry into the tragic events of the past few days with the aim of preventing their repetition. The Asian Group endorsed the support expressed by previous speakers for the efforts deployed by the various parties, whose tireless work towards a solution of the crisis must be encouraged so that it could bear fruit.

56. It was likewise imperative for the parties concerned to comply with the many agreements and resolutions adopted over the years, particularly Security Council resolution 1322 (2000).

57. The Asian Group was convinced that peace could be achieved despite the many disputes that divided the two communities. History showed that the region's peoples had a common heritage, namely, the City of Jerusalem, a place of great importance to Muslims, Jews and Christians alike. It was in their interest to preserve that heritage so as to build the foundation of a prosperous future.

58. Mr. CHOWDHURY (Bangladesh) said that he supported the statements made on behalf of the Organization of the Islamic Conference and the Asian Group. The justified fury aroused by Ariel Sharon's irresponsible visit to Al-Haram Al-Sharif had resulted in an excessively violent reaction by the Israelis which had truly shocked the world.

59. For all those who had complacently thought that the peace process had been about to bear fruit, the second intifada had been a rude awakening. It was a reminder that peace could never be ensured until due attention had been paid to the basic causes of conflict and that it could not be made to last unless it accorded with the aspirations of the peoples concerned.

60. The Commission on Human Rights must act not only to put an end to the continued human rights violations, but also to determine the causes of the recent violence and take steps to prevent their recurrence. To that end, it should adopt a resolution to establish an international commission of inquiry, invite the High Commissioner to visit the region and reactivate the relevant human rights mechanisms.

61. For the moment, the international community could only hope that the Sharm el-Sheikh talks would be successful. The initiatives of the United Nations Secretary-General should likewise be encouraged, since, as the observer for Israel himself had said, there was no other issue but peace.

62. Mr. LI Enheng (China) said that the Chinese Government was appalled by the excessive use of force and the employment, by the Israeli army, of heavy weaponry (helicopters, missiles and tanks) which had caused heavy loss of human life among the Palestinian civilian population, including women and children. China strongly condemned the use of military force against civilians.

63. Negotiations between the Israelis and Palestinians on a number of crucial questions, including the final status of Jerusalem, had recently reached a critical phase. The controversial visit by the head of the Israeli opposition to the Al-Aqsa Mosque compound had ignited a powder-keg and gravely compromised the peace process; the international community should condemn that irresponsible act.

64. The Chinese Government had always supported the peace process and supported the Palestinian people in its struggle to recover its legitimate national rights. In the hope that a solution could be speedily achieved, it had supported the convening of a special session of the Commission on Human Rights. China had voted in favour of resolution 1322 (2000), recently adopted by the Security Council, to condemn the use of force. And the Chinese Red Cross would be providing emergency humanitarian assistance to Palestine to assist wounded civilians.

65. China remained convinced that confrontation could only exacerbate hatred and not contribute to a true solution of the problems. Negotiation and dialogue, on the other hand, meant hope and peace. China therefore urged the two sides to exercise restraint and refrain from any act or statement detrimental to the peace process. The Chinese Government fervently hoped that the Sharm el-Sheikh talks would lead to substantial progress and that the two sides would take a flexible, pragmatic approach with a view to a final settlement of the Palestine question and the restoration to the Palestinian people of its legitimate national rights, thus bringing durable peace and stability to the Middle East at last.

66. Mrs. RUBIN (United States of America) said that her Government joined the international community in expressing its condolences to all those affected by the violence that had shaken the Middle East during the past two weeks. For decades, the United States had

striven untiringly to bring an end to the suffering of the region's peoples and to bring lasting peace. To that end, President Clinton, the United Nations Secretary-General and many others had spared no effort to assist the parties to the conflict in bringing an end to the violence and restoring the peace process - the only way, the United States Government was convinced, to prevent an unending cycle of violence in the region.

67. The United States had opposed the holding of the current special session, believing that it would not promote the cause of peace and that the international community should be concentrating all its efforts on assisting those participating in Sharm el-Sheikh to make the courageous decisions necessary to avoid confrontation.

68. The United States Government deemed the draft resolution before the Commission a one-sided, inflammatory text that could only complicate, and even compromise, the current efforts and would do nothing to foster the cause of peace in the Middle East, a goal that could not be attained through public denunciations. The highest human rights imperative was to end the violence, create a climate of dialogue and return both parties to the path of peace.

69. Mr. DEMBRI (Observer for Algeria) endorsed the statement made by the representative of Tunisia on behalf of the Arab Group.

70. The Commission on Human Rights was meeting in the current special session because the international community had decided to react against the massive and repeated grave violations of a people's most elementary rights and because the incredible repression of defenceless civilians by the Israeli armed occupation forces was currently putting a people in danger.

71. After the Madrid Conference and the Oslo Agreements, the international community had begun to believe in a fair, lasting peace for all the region's peoples that would at last enable the Palestinians to have an internationally recognized State. The dream had not lasted because Israel had ignored all its commitments.

72. Israeli practices in the occupied territories had been regularly denounced by the international community, but had never ceased: indiscriminate repression affecting women, children and the elderly; systematic torture of Palestinian prisoners; collective sanctions; land clearance to expand settlements or create new ones; evictions; and repeated blockading of Palestinian areas, cutting off a population and making its living conditions precarious.

73. The sacrilegious intrusion of Ariel Sharon, the instigator of the Sabra and Chatila massacres, on the compound of the Al-Aqsa Mosque had been deliberately designed to hurt the religious feelings of Palestinians and all Muslim peoples and to start an uprising in the occupied territories. The visit was part of a carefully thought-out strategy of provocation by the highest Israeli authorities intended to scuttle the negotiations with the Palestinian Authority.

74. In view of the disproportionate use of force by one of the world's biggest armies against Palestinian civilians, in flagrant violation of the Fourth Geneva Convention of 1949, the international community should call for respect for basic guarantees of protection for persons under the authority of a belligerent party owing to occupation of their territory. In that light,

Algeria strongly urged the adoption of the requisite measures to ensure the protection of the Palestinian people and the restoration of their inalienable rights, including the right to an independent State, with Al-Quds as its capital. In that regard, Security Council resolution 1322 (2000), which condemned the provocation carried out at the mosques and acts of violence against Palestinians, called upon Israel to comply with its obligations under the Fourth Geneva Convention and stressed that the need for the speedy establishment of a mechanism to inquire into the situation in Palestine should encourage the members of the Commission to assume their responsibilities. The members should, inter alia, condemn Ariel Sharon's criminal provocation, establish an international commission of inquiry at once, call for a halt to the Israeli armed forces' repressive operations, invite the United Nations High Commissioner for Human Rights to make an urgent visit to the occupied territories in order to study the persistent, grave and systematic violations of human rights suffered by the Palestinian people and request the relevant special rapporteurs, committees and working groups to report on the matter to the Commission on Human Rights at its next session. In view of the many revolting atrocities that had been committed, such measures were necessary and urgent.

75. On the eve of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, certain words of hatred were inadmissible. One example was the Hitler-like comment by Rabbi Ovadia Youssef, who had recently said that, according to the Bible, God had regretted having created the Arabs, a "people of serpents". It was up to the Commission on Human Rights to censure such talk.

76. Perhaps some of the great Jewish thinkers of the current era, including Elie Wiesel, Nobel Peace Prize winner, should be asked why they were silent when two young Palestinian children had been killed at the same age of innocence as their sister Anne Frank and when the Palestinian people, whose current revolt mirrored the Warsaw ghetto uprising, were being made to suffer.

77. He endorsed the recommendation contained in a communiqué by the European Union Council of Ministers, which was dated 9 October 2000 and in which Mr. Arafat and Mr. Barak had been invited to address each other's people.

78. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic) said that the massacres committed in the occupied territories by Israeli forces, who had not hesitated to use real bullets and even missiles, constituted a crime against humanity and were contrary to the obligations incumbent on the Israeli Government under various international instruments relating to human rights and international humanitarian law, such as the Fourth Geneva Convention of 1949 and the Convention on the Rights of the Child.

79. In 1948, the United Nations General Assembly had accepted Israel's candidature to become a Member of the United Nations on condition that it abided by the principles of the Charter. But the State of Israel had shown itself to be a racist, expansionist and colonialist entity. Ten years after the start of the peace process which had been launched in Madrid in 1991 and in which the Israeli authorities had played a reluctant part, the entire world could see that Israel did not want a settlement based on international legality as set out in Security Council resolutions 242 (1967) and 338 (1973) or on the Madrid principles (land for peace), but was instead trying to buy time in order to fortify and expand its settlements in the occupied territories

and in Golan and get the Arabs to accept the fait accompli. That stupid policy was the cause of the breakdown of the peace negotiations and the current crisis, which had brought the entire region to the brink of disaster.

80. For decades, Israel had been ignoring resolutions adopted by the various United Nations bodies aimed at establishing lasting peace, and those in power had not made the slightest effort to put an end to that situation. Indeed, some had encouraged its arrogance by supplying it with the most sophisticated weaponry, defending it in international forums and vetoing resolutions seeking to condemn it, while claiming to be urging it to make peace with its neighbours.

81. The atrocities committed by the Israeli war machine during the past two weeks constituted a massive, flagrant and deliberate violation of the Palestinian people's fundamental rights and freedoms, including the right to life and self-determination. Such actions were an insufferable affront to the current meeting.

82. The Syrian Arab Republic urged the Commission on Human Rights to adopt a text clearly defining methods for urgent action with a view to providing the Palestinian people with the necessary protection against the crimes from which they suffered, requiring Israel to observe the provisions of the Fourth Geneva Convention of 1949 and opening an official inquiry into the causes of the ongoing events.

83. It could be seen that the Palestinian people was not alone and would not always remain defenceless and that there would be no peace in the region until Israel had withdrawn from all the occupied Palestinian and Arab territories behind the lines of 4 June 1967 and the Palestinian people had regained their inalienable rights to self-determination and the creation of an independent State with Al-Quds as the capital.

84. Israel was at a crossroads: it could either opt for peace and respect for international legality or continue along the path of racism and aggression, thus assuming responsibility for a cataclysm in the region.

85. Mr. AL-DOURI (Observer for Iraq) said that, although most colonial peoples had recovered their independence during the past 50 years, the Palestinian people continued to toil under the yoke of the Zionist occupier, in defiance of countless United Nations resolutions calling on Israel to end the occupation of the City of Jerusalem and the Palestinian territories. For five decades, the Palestinian people had been struggling to recover its land, usurped by Zionist immigrants from over 80 countries who had set up a colonialist, expansionist entity bent on ridding the land of its legitimate inhabitants.

86. During that period, the Palestinian people had been subjected to the worst human rights violations, such as massacres, evictions, mass arrests, confiscation of land, demolition of houses, crop destruction, profaning of holy places, alteration of the features of Arab towns and the practice of torture with the connivance of the courts.

87. During the past two weeks, about 100 persons, one third of them children, had been killed and 300 more injured. According to hospital reports, most of the victims had been hit in the upper part of the body, showing that the Zionist troops were deliberately shooting to kill.

88. The use of heavy weaponry against children who had nothing but stones to defend their land and life was unprecedented in history. The indiscriminate razing of dwellings in Gaza, Ramallah and Nablus by combat helicopters and tanks was an act of genocide whose perpetrators should be brought to justice. There was clearly a policy of ethnic cleansing and forced displacement as part of a plan to expand existing settlements and create new ones in violation of United Nations resolutions and the Geneva Conventions. Those who had portrayed themselves as the victims of Nazism were currently committing the same crimes against the Palestinians.

89. It had become clear that the true aim of the policy of normalization and the so-called peace process was to hoodwink public opinion about the Zionist entity's true intentions, which were to take over Palestinian lands and strip an entire people of its legitimate rights.

90. While commending the Palestinian people's struggle to recover its freedom and dignity and repossess its usurped land, Iraq urged the international community to face up to its responsibilities by providing the Palestinian people with the necessary protection and helping it to exercise its right to self-determination and create its own State throughout its entire territory, with Jerusalem as the capital.

91. The Commission on Human Rights had the moral and humanitarian duty to adopt a resolution condemning the barbaric acts committed by the Zionist forces and deciding to send a commission of inquiry, composed of representatives of neutral States, to the occupied Palestinian territories in order to question officers and members of the Zionist occupation forces who had committed war crimes and crimes against humanity and to bring them to international justice.

92. Mr. NORDMANN (Observer for Switzerland) said that, while provocations, violence and hatred, from whatever source, were to be condemned, it would not do to ignore the facts, which showed that Israeli forces had made disproportionate use of repressive measures, as shown by the type of weapons used as well as the toll of victims. The large number of Palestinian children among the latter was particularly shocking. The upsurge of inter-community hatred was a matter of the greatest concern and had taken the form of intolerable acts on both sides: barbaric behaviour, lynching and the pillaging of holy places.

93. To end the cycle of violence, each party should refrain, immediately and unconditionally, from any provocation. There must likewise be the speediest possible end to the many acts of discrimination and efforts must be made to promote mutual tolerance and respect. He solemnly called for respect for the rule of law. Regardless of circumstances, international law banned the disproportionate use of force. The right to life and personal integrity and the prohibition of any form of discrimination were among the basic tenets of human rights.

94. The Swiss Government, the depository of the 1949 Geneva Conventions and a party to them, recalled that they reflected not an ideal, but the threshold below which barbarity began. States committed themselves to respect the Conventions as they stood and to ensure respect for them in all circumstances. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable de jure in the territories occupied by Israel, including those whose annexation had not been internationally acknowledged. Forced transfer, in groups or individually, was prohibited under article 49 and the occupying Power was not allowed to carry out deportation or to transfer part of its own civilian population to the territory it occupied.

The question of settlements and the issue of the right of residence of Palestinians in Jerusalem were clearly within the purview of that article. Restrictions on Palestinians' freedom of movement also constituted a form of collective punishment prohibited by the Fourth Convention.

95. Switzerland was ready to support the work of an independent, objective commission of inquiry whose establishment was called for in Security Council resolution 1322 (2000) and to take part in it, as appropriate. Determining facts and responsibilities could only help to prevent fresh violence in the future and to improve human rights safeguards. A return to the negotiating table, in a climate of mutual respect and trust, and the renunciation of violence were the only way to seek a lasting solution, within the framework of international law, to the conflict between Israelis and Palestinians.

96. Mr. AL-ASKAR (Observer for Kuwait) said that he supported the statements made on behalf of the Arab Group, the Organization of the Islamic Conference and the Asian Group. Kuwait deplored the cruel aggression perpetrated by Israeli forces against the unarmed Palestinian people. It condemned the criminal use of force against civilians and the blockading of Palestinian areas and urged the international community to assume its responsibilities and bring such aggression to an end.

97. The international community had decided to hold the current special session in order to consider serious violations of international human rights and international law instruments in the occupied Palestinian territories, which were contrary to the provisions of the Fourth Geneva Convention. Such consideration was based on Security Council resolution 1322 (2000), which called on the international community to take steps to ensure that the violence ceased and that such events could not recur and to provide international protection for the Palestinian people.

98. Kuwait urged the Israeli Government to put an immediate end to its inhumane practices against the Palestinian people in the occupied territories and to provide proof of its intention to respect its obligations by completing the withdrawal of its forces from the occupied Palestinian territories, including Jerusalem, in accordance with Security Council resolutions 242 (1967) and 338 (1973) and with the Oslo Agreements. Israel should also withdraw unconditionally and in the near future, from occupied Syrian Golan.

99. Mr. ATTAR (Observer for Saudi Arabia) welcomed the holding of the current special session to consider the situation in the occupied Palestinian territories and endorsed the statements made on behalf of the Islamic Conference and the Arab and Asian Groups.

100. His country disapproved of and strongly condemned the methods employed by Israel, the occupying Power, and affirmed its support for the realization of all the Palestinian people's rights, including the right to proclaim an independent State with Jerusalem as the capital. The Palestinian people's current sufferings were the result of one of the gravest forms of human rights violations in modern history. The failure to condemn the daily massacres encouraged Israel to continue its breaches of international instruments. By resorting to excessive force, Israel had caused the deaths of about 100 Palestinian citizens and left thousands injured.

101. Since the Security Council's adoption of resolution 237 (1967), which had called on the Israeli Government to observe its obligations under the Fourth Geneva Convention in 1949,

Israel had persisted in violating all that Convention's articles by creating and expanding settlements and confiscating property and evicting Palestinians by force from their homeland. Palestinians had not only seen their civil and political rights violated, but had suffered arbitrary detention and collective expulsion and had been deprived of the rights to life, education, medical treatment, work and religious freedom.

102. Saudi Arabia was gravely concerned about the current situation and held the Israeli Government responsible for all consequences of the repressive methods applied against the defenceless Palestinian people. The current climate of instability and insecurity could plunge the entire region into a crisis with adverse consequences in all fields, particularly the development of the countries concerned. The creation of the State of Israel, accompanied by a refusal to recognize Palestinian rights, lay at the root of the instability.

103. Saudi Arabia supported the search for peace, but not at the expense of the rights of the Palestinian people. Peace could not exist until the Palestinians had recovered the full exercise of their rights, including that of creating an independent State, with Jerusalem, whose holy status was enshrined in the conscience of all Muslims, as its capital.

104. The visit of Ariel Sharon to the Mosque compound in Jerusalem had been an inadmissible provocation. The Israeli Government should have taken suitable measures to prevent such an event, which had aroused the anger of Muslims not only in the occupied territories, but throughout the world. It should give the international community an undertaking to determine the reasons, to put an immediate end to acts of violence and to respect the Palestinian people's desire to protect their Holy Places. Israel not only flouted United Nations resolutions, but also disregarded its own laws, such as Act No. 5767 of 1967, in which the Israeli Government had undertaken to protect the Holy Places.

105. Saudi Arabia hoped that the Commission on Human Rights would condemn Israel's excessive use of force, as well as its blockading of Palestinian towns and villages. It firmly supported the setting up of an international commission to investigate the situation in the occupied territories and determine who was responsible. The Commission's relevant special rapporteurs should likewise visit the occupied territories as soon as possible and submit preliminary reports to it at its fifty-seventh session. The United Nations High Commissioner for Human Rights should also visit the occupied Palestinian territories and inform the Commission of the results of her visit. He urged the Commission to fulfil its obligations with regard to the Palestinian people and to take a resolute and firm stand against Israeli practices.

106. Mr. NDIAYE (Senegal) said that the prevailing situation in the Middle East was a source of grave concern to the international community and a serious threat to international peace and security. Senegal categorically rejected recourse to threats and violence, which was liable to put an end to hopes for peace and stability in the region.

107. The visit of Ariel Sharon, the head of the Israeli opposition, to the Mosque compound on 28 September 2000 had aroused the disapproval and hostility of Palestinians and all observers who respected peace and justice. Israel had repressed the demonstrations provoked by that visit with unusual brutality, with the disproportionate and indiscriminate use of armed force, and the unbridled violence had resulted in a large number of civilian victims, including children. The

Security Council's condemnation of the repression testified to its unacceptability to the international community. Senegal condemned provocations and the escalation of violence and called for respect for individual and collective rights, the key to a lasting peace in the Middle East. The Commission's current special session should be the occasion to affirm that the tragedy of Palestine would not be allowed to go unnoticed. The hope created by the peace drive must not become stifled by the resurgence of violence and intolerance.

108. For Arabs and Israelis alike, the 1990s had seen a remarkable change: the inevitable state of virtual warfare in the Middle East had been replaced by a move for peace, through which the Palestinian people's human rights could be improved. It had to be said, however, that those rights were still being massively and repeatedly violated. Despite all that, the Palestinian party had quite recently courageously opted, as a token of its good will, to defer a declaration on accession to statehood.

109. The special session could achieve its goal if it enabled the Commission on Human Rights to make a proper appraisal, monitor developments closely and implement a programme of cooperation to restore trust between the parties. It was up to the international community to do everything to ensure that the steps already achieved for peace in Palestine and the Middle East were not in vain and that the ideals of peace, justice and solidarity would at last prevail.

110. Senegal supported all those working for the restoration of peace and respect for human rights in the occupied territories. It welcomed and encouraged the peace initiatives taken in recent days and, in particular, the efforts of the Secretary-General, Kofi Annan, who had thus recalled that the United Nations had a key role to play in settling the Palestinian question.

111. Mr. AMAT FORÉS (Cuba) said that, despite the opposition of the United States, Israel's ally, to the wishes of the international community, the latter had decided to hold emergency meetings to denounce and condemn Israel's use of force in Palestine and in the occupied Arab territories and its flagrant violation of the most fundamental human rights. In the latest escalation of violence, Israel had used not only military and police personnel, but also heavy weaponry and combat helicopters against the Palestinian civilian population and installations.

112. Over the decades, the General Assembly and Security Council had adopted dozens of resolutions criticizing and condemning the acts perpetrated by Israel against the Palestinian people. Yet the acts denounced in those resolutions continued and any solution to the Middle East conflict had on every occasion been derailed by Israel's systematic violation of the inalienable rights of the Palestinian people and all the peoples of the occupied Arab territories. By violating all those resolutions, Israel showed its disregard of the international community's recommendations calling on it to respect the principles of international law and the rules of international humanitarian law. Once again Israel was breaking the commitments it had made under the Fourth Geneva Convention. In adopting resolution 1322 (2000), the Security Council had condemned the acts of violence that had claimed so many victims in Palestine. The international community had been expecting something more energetic and effective from it, but, once again, it had displayed tolerance with regard to Israel's acts of aggression, the pressure and blackmail applied by its most powerful member having again led to the adoption of double standards.

113. Cuba strongly condemned the unleashing of violence and the use of force against the Palestinian civilian population. The Cuban Government reaffirmed its solidarity with the Palestinian people and the latter's inalienable right to proclaim an independent sovereign State, with Jerusalem as the capital. Cuba urged the Commission on Human Rights strongly to condemn the fresh outbreak of violence and Israel's aggressive policy of annexation. It was essential to halt the violence and resume dialogue and negotiation with a view to a just and lasting solution to the Middle East conflict, based on the strict observance of Security Council resolutions 242 (1967) and 338 (1973).

114. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that, in his statement, the observer for Israel had referred merely to marginal problems, but not to the human rights violations committed by Israel. According to him, Mr. Arafat had not called on the Palestinians to abandon violence - a laughable reproof, since it was the Israelis who had unleashed the violence. No Palestinian had gone to Tel Aviv to kill Israelis, but the Palestinian people, armed only with stones, had had to face the Israeli army.

115. The observer for Israel had likewise said that Israeli soldiers opened fire only when their lives were threatened. But the question was how a heavily armed Israeli soldier could feel threatened by stone-throwers. Such assertions were absurd and shameful. Since 28 September, no Israeli soldier had been killed, whereas over 100 Palestinians had been killed by bullets and even by missiles launched from combat helicopters against dwellings.

116. The Palestinians had rebuilt Joseph's Tomb the following day, something the observer for Israel had failed to mention, however. Nor had he spoken of the mosques destroyed and torched by Israeli bigots in Jaffa and other towns. His accusations were therefore baseless.

The meeting rose at 1.05 p.m.